

**Before the
Federal Communications Commission
Washington, D. C. 20554**

In the Matter of:)
Anchorage VEC petition RM-11629)
Request for Waiver affecting certain) Reference: WT 11-130
portions of the Commission's Rules)
to permit immediate recognition of)
previously passed examination)
elements.)

To the Commission:

WHERE'S THE BEEF IN WT 11-130

In addition to the Anchorage VEC rule making request (RM-11629), they are also requesting a “waiver” of 47CFR97.505(a) of the Commission's Rules. They want any person who previously held an amateur radio license grant, long since expired, to receive credit for elements previously passed and thus be eligible for a new license grant without additional examination. The purpose of this “waiver” request is to bias the outcome and speed up the Commission’s processing of the rule making (RM-11629) request.

47CFR1.3 provides for a “waiver” process. It does so with a “good cause” requirement as specified in 47CFR1.925. Five possible grounds for “Good cause” are set forth in 47CFR1.925. They are 47CFR1.925(3)(i) - **[1] public interest is frustrated**; 47CFR1.925(3)(ii) - **[2] inequitable application, [3] unduly burdensome, [4] contrary to the public interest, or [5] no reasonable alternative.**

1 Of the five possible grounds, only one has merit. The waiver disregards it completely. Also, the
2 waiver does not address the other four grounds.

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4 The first sentence of the third paragraph on page two is the stated purpose and grounds for this
5 waiver wherein it says: **“The advantage to be gained from this action is the immediate**
6 **expansion of the pool of experienced and trained operators available for use in time of**
7 **national or regional emergency.”** No merit exists in this statement because, by definition, if
8 one is absent (vis-a-vis not having a license) then one is NOT gaining experience or training.
9 Lacking a required license prevents one from participating in such training and, with
10 particularity, the obvious lack of interest by not keeping the license active.

11
12 Sentence two of the third paragraph on page two attempts to qualify the first sentence by
13 claiming: **“Most, if not all, of the persons that will take advantage of this change in the rules**
14 **will be able to immediately participate in assisting their communities in the well recognized**
15 **tradition followed by amateur radio operators since the inception of the service.”** Yet, this
16 is another merit less statement lacking in historical perspective. **I like the slight of hand in not**
17 **specifying the “tradition” to which they refer.** If they are trying to refer to 47CFR Part 97.1,
18 the FCC did not write that into the rules until the early 1950's, fifty plus years after
19 “Amateurs/pioneers” started experimenting with radio. No “recognized traditions” existed in the
20 beginning except the government realizing that Amateur and Commercial operations needed to
21 be separated and both controlled. Besides, being able to participate “immediately” says nothing
22 about being effectively functional in relation to those who stayed licensed and presumably
23 trained and gained experience over some frame of time.

24
25 At some point, after the inception of radio, Mr. Hiram Percy Maxim started a small group called
26 the American Radio Relay League (ARRL) whose intent was to provide a relaying method of
27 sending messages across great distances using Amateur radio. So, the ARRL has a tradition, but
28 that was not “well recognized” by the general populace of the United States.

1 The third sentence of the third paragraph on page two gives yet another qualifier and quasi-
2 second reason stating: “**A secondary consideration favoring prompt action is that several**
3 **potential benefactors of this action are of advanced years, and are understandably**
4 **interested in prompt resolution of this action.**” Being short on time would increase interest in
5 prompt action. However, this is no reason to attempt ramming something through just to appease
6 a very small number of people.

7
8 Kids as young as seven (7) or eight(8) have taken and passed the Extra-class license. Clearly,
9 these kids have merely memorized the questions and answers. None of these kids have the
10 maturity or educational background to understand the material. Many adults that have taken and
11 passed the Extra-class license have no real knowledge of the material either. Adults who
12 presumably had previous radio experience should easily be able to do the same thing. To borrow
13 a phrase from GEICO, “even a caveman could do it.”

14
15 Although not a requirement for the submitting party, but contrary to their claims, the Rule
16 request, RM-11629, has not received wide distribution. The number of responses has evidenced
17 this in the ECFS.

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19 Another issue, while mentioned, but not properly addressed, is the element of “verification” of
20 past licensing. Possession of an actual paper license from a previous time is one thing.
21 Pandora’s box is open on the part “**or other suitable proof**” and the waiver offers nothing
22 substantive as a standard for acceptance of prior evidence. Seemingly simple in concept, it is
23 ripe for abuse and creates additional overhead expense regarding enforcement.

24
25 The claim of precedent setting is faulty. To be relevant, the precedents would have to be
26 previous waivers with similar actions. These proffered elements are not “waivers” in their own
27 right, but were rule changes necessitated by of other rule changes. They can cite no previous
28 waivers showing any precedent.

1 The waiver's language is highly speculative and leaves one to question not only the validity of
2 the premise and purpose, but the rationale as well. Thus, one is left feeling that, clearly, the real
3 purpose of this waiver is effectively to push along the process and bias the outcome of the rule
4 making request, RM-11629, currently before the Commission.

5
6 RM-11629 is a rule request whose merits the Commission will decide from a completely
7 different perspective. Trying to bias those efforts by forcing a preconditioning environment
8 under the assumption of a positive outcome is counterproductive and disingenuous at best.

9 **What would happen if the Commission grants the waiver and then they deny the rule**
10 **request ?** It creates an inequitable circumstance contrary to the purpose of law or rule.

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12 As discussed, above, and beside the inequitable context, none of the five permissible grounds for
13 "Good cause" exist as set forth in 47CFR1.925. I cannot see a basis for the issuance of this
14 waiver.

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18 WB6BNQ
19 William Houlne
20 2732 Grove Street
21 National City, CA 91950
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